

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. 1:15CV1036
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	MOTION TO DISMISS CERTAIN
\$16,765.00 IN U.S. CURRENCY, ET AL.,)	DEFENDANT PROPERTIES FROM
)	COMPLAINT PURSUANT TO
Defendants.)	<u>FED. R. CIV. P. 41(a)(2)</u>

Plaintiff, United States of America, by and through its attorney, Assistant United States Attorney Phillip J. Tripi, submits this Motion to Dismiss Certain Defendant Properties from Complaint pursuant to Fed. R. Civ. P. 41(a)(2).

1. On May 22, 2015, the United States filed a civil complaint in forfeiture naming seized properties, including the following, as defendant properties:

- a. \$5,266.41 SEIZED FROM AMERICAN FUNDS, CB&T CUST ROTH IRA ACCT. #XXXX1832;
- b. \$5,093.16 SEIZED FROM AMERICAN FUNDS, CB&T CUST IRA ACCT. #XXXX6729;
- c. \$6,442.98 SEIZED FROM LPL FINANCIAL, PTC CUSTODIAN ROTH IRA ACCT. #XXXX-2403;
- d. \$6,500.20 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXX51424;
- e. \$5,583.30 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX1425;
- f. \$5,276.85 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #0309-08189451426;

- g. \$5,924.42 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX1427; and
- h. \$27,026.84 SEIZED FROM LPL FINANCIAL, BROKERAGE ACCT. #XXXX-9957.

2. On July 30, 2015, Iris Karina Baker filed an amended claim to, among others, the following two above-described defendant properties:

- a. \$5,266.41 SEIZED FROM AMERICAN FUNDS, CB&T CUST ROTH IRA ACCT. #XXXX1832; and
- b. \$5,093.16 SEIZED FROM AMERICAN FUNDS, CB&T CUST IRA ACCT. #XXXX6729.

3. On July 20, 2018, Dominic A. Schender filed an amended claim to, among others, the following two above-described defendant properties:

- a. \$6,442.98 SEIZED FROM LPL FINANCIAL, PTC CUSTODIAN ROTH IRA ACCT. #XXXX-2403; and
- b. \$27,026.84 SEIZED FROM LPL FINANCIAL, BROKERAGE ACCT. #XXXX-9957.

4. On July 20, 2018, Discounted Telecommunication Services Inc. filed an amended claim to, among others, the following four above-described defendant properties:

- a. \$6,500.20 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX51424;
- b.. \$5,583.30 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX1425;
- c. \$5,276.85 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #0309-08189451426; and

d. \$5,924.42 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX1427.

5. No other person or party filed a claim as to the above-described properties.

6. Upon the dismissal of the above-captioned defendant properties from the complaint, the United States will undertake to return the funds seized from the dismissed defendant properties to the respective claimants.

THEREFORE, the United States requests this Honorable Court to dismiss the following properties from the complaint, without prejudice:

- a. \$5,266.41 SEIZED FROM AMERICAN FUNDS, CB&T CUST ROTH IRA ACCT. #XXXX1832;
- b. \$5,093.16 SEIZED FROM AMERICAN FUNDS, CB&T CUST IRA ACCT. #XXXX6729;
- c. \$6,442.98 SEIZED FROM LPL FINANCIAL, PTC CUSTODIAN ROTH IRA ACCT. #XXXX-2403;
- d. \$6,500.20 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX51424;
- e. \$5,583.30 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX1425;
- f. \$5,276.85 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #0309-08189451426;
- g. \$5,924.42 SEIZED FROM MFS INVESTMENT MANAGEMENT, HERITAGE TRUST COTTEE, IRA ACCT. #XXXX-XXXXXXX1427; and
- h. \$27,026.84 SEIZED FROM LPL FINANCIAL, BROKERAGE ACCT. #XXXX-9957.

A proposed judgment entry is attached hereto.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that on this 8th day of November, 2018, the foregoing Motion to Dismiss Certain Properties from Complaint was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Phillip J. Tripi
Phillip J. Tripi
Assistant U.S. Attorney